



General Assembly

**Substitute Bill No. 1356**

January Session, 2005

\* SB01356ET 051805 \*

**AN ACT AUTHORIZING LAW ENFORCEMENT OFFICIALS TO  
REQUEST EX PARTE AUTHORITY TO COMPEL DISCLOSURE OF  
TELEPHONE AND INTERNET RECORDS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2005*) (a) For the purposes of  
2 this section and section 2 of this act:

3 (1) "Basic subscriber information" means: (A) Name, (B) address, (C)  
4 local and long distance telephone connection records or records of  
5 session times and durations, (D) length of service, including start date,  
6 and types of services utilized, (E) telephone or instrument number or  
7 other subscriber number or identity, including any assigned Internet  
8 protocol address, and (F) means and source of payment for such  
9 service, including any credit card or bank account number;

10 (2) "Call-identifying information" means dialing or signaling  
11 information that identifies the origin, direction, destination or  
12 termination of each communication generated or received by a  
13 subscriber or customer by means of any equipment, facility or service  
14 of a telecommunications carrier;

15 (3) "Electronic communication service" means "electronic  
16 communication service" as defined in 18 USC 2510, as amended from  
17 time to time;

18       (4) "Law enforcement official" means the Chief State's Attorney, a  
19 state's attorney, an inspector with the Division of Criminal Justice, a  
20 sworn member of the Division of State Police within the Department of  
21 Public Safety or a sworn member of an organized local police  
22 department;

23       (5) "Remote computing service" means "remote computing service"  
24 as defined in section 18 USC 2711, as amended from time to time; and

25       (6) "Telecommunications carrier" means "telecommunications  
26 carrier" as defined in 47 USC 1001, as amended from time to time.

27       (b) A law enforcement official may request an ex parte order from a  
28 judge of the superior court to compel (1) a telecommunications carrier  
29 to disclose call-identifying information pertaining to a subscriber or  
30 customer, or (2) a provider of electronic communication service or  
31 remote computing service to disclose basic subscriber information  
32 pertaining to a subscriber or customer. The judge shall grant such  
33 order if the law enforcement official states a reasonable and articulable  
34 suspicion that a crime has been or is being committed or that exigent  
35 circumstances exist and such call-identifying or basic subscriber  
36 information is relevant and material to an ongoing criminal  
37 investigation. The order shall state upon its face the case number  
38 assigned to such investigation, the date and time of issuance and the  
39 name of the judge authorizing the order. The law enforcement official  
40 shall have any ex parte order issued pursuant to this subsection signed  
41 by the authorizing judge within forty-eight hours or not later than the  
42 next business day, whichever is earlier.

43       (c) A telecommunications carrier shall disclose call-identifying  
44 information and a provider of electronic communication service or  
45 remote computing service shall disclose basic subscriber information  
46 to a law enforcement official when an order is issued pursuant to  
47 subsection (b) of this section.

48       (d) Not later than forty-eight hours after the issuance of an order  
49 pursuant to subsection (b) of this section, the law enforcement official

50 shall mail notice of the issuance of such order to the subscriber or  
51 customer whose call-identifying information or basic subscriber  
52 information is the subject of such order, except that such notification  
53 may be delayed for a period of up to ninety days upon the execution of  
54 a written certification of such official to the judge who authorized the  
55 order that there is reason to believe that notification of the existence of  
56 the order may result in (1) endangering the life or physical safety of an  
57 individual, (2) flight from prosecution, (3) destruction of or tampering  
58 with evidence, (4) intimidation of potential witnesses, or (5) otherwise  
59 seriously jeopardizing the investigation. The law enforcement official  
60 shall maintain a true copy of such certification. During such ninety-day  
61 period, the law enforcement official may request the court to extend  
62 such period of delayed notification. Such period may be extended  
63 beyond ninety days only upon approval of the court.

64 (e) A telecommunications carrier or provider of electronic  
65 communication service or remote computing service that provides  
66 information pursuant to an order issued pursuant to subsection (b) of  
67 this section shall be compensated for the reasonable expenses incurred  
68 in providing such information.

69 (f) Any telecommunications carrier or provider of electronic  
70 communication service or remote computing service that provides  
71 information in good faith pursuant to an order issued pursuant to  
72 subsection (b) of this section shall be afforded the legal protections  
73 provided under 18 USC 3124, as amended from time to time, with  
74 regard to such actions.

75 Sec. 2. (NEW) (*Effective October 1, 2005*) Not later than January  
76 fifteenth of each year, each law enforcement official shall report to the  
77 Chief State's Attorney the information required by this section with  
78 respect to each order issued pursuant to section 1 of this act in the  
79 preceding calendar year. The Chief State's Attorney shall, based upon  
80 the reports filed by each law enforcement official and not later than  
81 January thirty-first of each year, submit a report, in accordance with  
82 the provisions of section 11-4a of the general statutes, to the joint

83 standing committee of the General Assembly having cognizance of  
84 matters relating to criminal law and procedure concerning orders  
85 issued pursuant to section 1 of this act in the preceding calendar year.  
86 The report shall include the following information: (1) The number of  
87 orders issued, (2) whether the order was directed to a  
88 telecommunications carrier, provider of electronic communication  
89 service or provider of remote computing service, (3) whether the  
90 information sought was call-identifying information or basic  
91 subscriber information, (4) the statutory offense or offenses that were  
92 the subject of the investigation, (5) the number of notifications that  
93 were delayed pursuant to subsection (d) of section 1 of this act, and the  
94 reason for such delayed notification, (6) the number of motions to  
95 vacate an order that were filed, and the number of motions granted or  
96 denied, (7) the number of investigations concluded and the final result  
97 of such investigations, and (8) the status of any criminal prosecution  
98 resulting from the investigation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	New section
Sec. 2	October 1, 2005	New section

**JUD**      *Joint Favorable Subst.*

**PS**        *Joint Favorable*

**ET**        *Joint Favorable*